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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,	)	No. CR 15-0576-JST
	)	
Plaintiff,	)	
	)	STIPULATED REQUEST TO CONTINUE
v.	)	HEARING DATE TO JUNE 17, 2016 AND
	)	EXCLUDE TIME UNDER THE SPEEDY
	)	TRIAL ACT; [PROPOSED] ORDER
JUAN HERNANDEZ,	)	
	)	
Defendant.	)	
	)	
	)	

The above-captioned matter is set on March 18, 2016 before the Hon. Jon S. Tigar for STATUS/SETTING hearing. The parties jointly request and stipulate that the Court continue the matter to June 17, 2016 at 2:00 p.m. for MOTIONS HEARING and set the matter for JURY TRIAL commencing September 12, 2016. The Motions schedule is stipulated as follows: Motions shall be filed on May 13, 2016; Government Opposition on May 27, 2016; and Replies on June 3, 2016.

The requested continuance is sought under The Speedy Trial Act; the parties agree and stipulate that the time until June 17, 2016 should be excluded under 18 U.S.C. §3161(H)(7)(A) and (B) because the ends of justice served by the granting of the continuance outweigh the best interests of the public and the defendant in a speedy and public trial. The reasons for this request are as follows: First, the defense continues to factually investigate this case, by gathering

1 records and interviewing witnesses. Second, the defense is researching a legal issue that it  
2 intends to present as a pretrial motion based on the legality of the previous alleged deportation  
3 order. The defense believes that this issue requires factual investigation and legal research and  
4 drafting. Finally, new government counsel will be taking over this case in the very near future.  
5 For all of these reasons, the continuance is justified. The parties have consulted with this  
6 court's Courtroom Deputy Clerk and have been provided a Motions Hearing date of June 17,  
7 2016 as the earliest available date after April 2016. Any April hearing date would require  
8 almost immediate filing of motions. The parties have also been informed that this court's  
9 practice is to set both Motions Hearing and Jury Trial dates and that September 12, 2016 is  
10 available for jury trial.

11 For the foregoing reasons, the parties stipulate that the ends of justice served by the  
12 continuance requested herein outweigh the best interests of the public and the defendant in a  
13 speedy trial because the failure to grant such a continuance would unreasonably deny counsel  
14 for the defendant the reasonable time necessary for effective preparation, taking into account the  
15 exercise of due diligence.

16  
17 DATED: March 17, 2016

/s/  
\_\_\_\_\_  
KELSEY LINNETT  
Special Assistant United States Attorney

18  
19  
20  
21 DATED: March 17, 2016

/s/  
\_\_\_\_\_  
JOHN PAUL REICHMUTH  
Assistant Federal Public Defender  
Counsel for JUAN HERNANDEZ

**ORDER**

Based on the reasons provided in the stipulation of the parties above, the court hereby  
FINDS:

1. The ends of justice served by the granting of the continuance from March 18, 2016 until June 17, 2016 outweigh the best interests of the public and the defendant in a speedy and public trial because additional investigation and review, as well as legal research and drafting are necessary to the defense preparation of the case. The court also finds that a change in government counsel justifies the continuance. The court also anticipates that motions will be filed beginning May 13, 2016 and that the time between that date and June 17 will be required for briefing and resolution of motions.

Based on these findings, it is hereby

ORDERED that time be excluded under the speedy trial act, 18 U.S.C. Section 3161(H) (7)(A) from March 18, 2016 until June 17, 2016. Further, it is

ORDERED that the STATUS hearing in this case be continued to June 17, 2016 at 2:00 p.m. for MOTIONS HEARING. Further, it is

ORDERED that motions shall be filed on or before May 13, 2016; government opposition shall be filed on or before May 27, 2016; and replies shall be filed on or before June 3, 2016. Further, it is

ORDERED that this matter be set for JURY TRIAL on September 12, 2016 at 8:30 a.m.

March 17, 2016

  
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HON. JON S. TIGAR  
United States District Judge